

January 11, 1999

Mr. Rusty Renfroe, CLA  
City Attorney's Office  
City of Longview  
P.O. Box 1952  
Longview, Texas 75606-1952



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

— \* —  
JOHN CORNYN  
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OR99-0052

Dear Mr. Renfroe:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 121459.

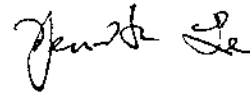
The City of Longview (the "city") received a request for an appraisal of a certain tract of land. You claim that the requested information is excepted from required public disclosure under section 552.103 of the Government Code.

To be excepted under section 552.103, the city must demonstrate that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to that litigation. *University of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479 (Tex. App.—Austin 1997, no pet.); *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e); Open Records Decision No. 551 at 4 (1990). You state that "the negotiations to purchase the property have failed, [and] the only recourse the City has left is to present the matter to the City Council for formal approval to begin condemnation of the property." Furthermore, you explain that "the City Attorney anticipates this matter to be presented to the Longview City Council for approval to proceed with condemnation proceedings." We conclude that the requested information is related to reasonably anticipated litigation. Accordingly, you may withhold the requested information under section 552.103(a) of the Government Code.

We note, however, that section 552.103(a) is not applicable if the condemnation action has concluded or if the property in dispute has otherwise been obtained by the city. Attorney General Opinion MW-575 at 2 (1982); Open Records Decision Nos. 350 at 3 (1982), 349 at 2 (1982).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Yen-Ha Le', written in a cursive style.

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 121459

Enclosures: Submitted document

cc: Mr. Larry Alston  
ADI  
P.O. Box 3389  
Longview, Texas 75606  
(w/o enclosures)